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Attorneys for Defendant
COMCAST CABLE COMMUNICATIONS LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

In re ACACIA MEDIA TECHNOLOGIES CORPORATION	Case No. C-05-01114 JW **DECLARATION OF DAN JACKSON REGARDING LATE FILING OF DEFENDANTS' MEMORANDUM OF LAW IN RESPONSE TO THE COURT'S FEBRUARY 3, 2006 ORDER** Date: February 24, 2006 Time: 9:00 a.m. Courtroom: 8, 4th Floor Judge: Honorable James Ware

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I, DAN JACKSON, declare and state that:

1. I am an attorney licensed to practice before this Court, and am associated with the law firm of Keker & Van Nest, LLP, counsel for defendant Comcast Cable Communications, LLC in the above-captioned action. I have knowledge of the facts set forth herein, and if called to testify as a witness thereto, could do so competently under oath.

2. As I was preparing to electronically file defendants' Memorandum of Law in Response to the Court's February 3, 2006 Order ("Response") yesterday, February 13, 2006, the power went out in downtown San Francisco. We were informed by Pacific Gas & Electric that it was a large power outage, affecting some 2,500 businesses, and that the power would not be back on for several hours. Moreover, after the power was restored, the servers had to be re-booted, which took quite some time, as well. I am informed by our Information Technology Department that our computer systems did not return to full functionality until 10:22 p.m. Well before that time, I and the administrative staff who were still in our building were evacuated because the batteries powering the remaining lights in the building were about to give out.

3. Accordingly, I was unable to file defendants' Response until the morning of February 14, 2006. I apologize for any inconvenience this delay may have caused, and respectfully submit that the foregoing situation constitutes a "technical failure" such that the late filing of defendants' Response should be excused under General Order 45.VI.E.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on February 14, 2006, in San Francisco, California.

/s/ Dan Jackson
DAN JACKSON